

6812 CIELO VISTA



**BUILDING AND STANDARDS BOARD AGENDA ITEM #6 FOR
WEDNESDAY, OCTOBER 28, 2009**

**DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS**

**MEMORANDUM
October 21, 2009**

TO: The Honorable Chairman and Board Members

THROUGH: Victor Q. Torres – The Director for Development Services

FROM: Bill Stern, C.B.O., Chief Building Inspector

SUBJECT: 6812 Cielo Vista Drive AKA 1001 Catalina, El Paso, Texas 79925

The following is a brief chronology of the investigation of the referenced location:

- 1) An investigation conducted on May 6, 2009, revealed several open and abandoned units in a state of disrepair and accessible to area students and vagrants. The multifamily apartments were built in 1960. The footings and foundation are inadequate to support the load causing shifting and settlement of the structure. The walls contain several cracks and graffiti. The roof ceiling assembly and roof coverings contain holes, are deteriorated and are about to collapse in some areas due to lack of maintenance. The window header coverings are decomposing and coming apart. The plumbing, electrical and mechanical systems are inadequate.
- 2) A certified condemnation letter was mailed to Cielo Vista Kiwi LLC.
- 3) Certified notices of the public hearing scheduled for October 28, 2009, were mailed to the owners and all interested parties on October 14, 2009.
- 4) As of October 14, 2009, no taxes are owed.

The owners have been notified of the property maintenance violations at this property, to date there has been no response or corrective action taken, and therefore the Department recommends that it be found:

- 1) That the structure is substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structures' certificate of occupancy be revoked; and
- 4) That the structure can be rehabilitated; and
- 5) That the structure remain vacated until rehabilitated; and
- 6) That the structure be secured and maintained secure within thirty (30) days; and
- 7) That the premises be cleaned and maintained clean of all weeds, trash, and debris within 30 days; and
- 8) That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring

the property into compliance, and place a lien on the property for the work which will be done by the City.

DEVELOPMENT SERVICES DEPARTMENT

May 18, 2009



Cielo Vista Kiwi LLC
% David Eade
8344 E R L Thornton Fwy Ste 102
Dallas, Texas 75228-7186

Re: 6812 Cielo Vista
Blk: 3 Cielo Vista Park Replat
Lot: All of Blk
Zoned: A2
BSC09-00318
Mail Receipt #
7007 3020 0001 2771 2111:

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.50, Property Maintenance Code, which states:

18.50.106.1 General.

When a structure or equipment is found by the Director to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure or equipment shall be condemned pursuant to the provisions of Chapter 2.38 of this code.

The El Paso Municipal Code Chapter 18.50 International Property Maintenance Code defines unsafe structure as follows:

18.50.106.1.1 Unsafe Structures.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

18.50.106.1.2 Unsafe Equipment

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susannah M. Byrd

District 3
Emma Acosta

District 4
Melina Castro

District 5
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson

18.50.106.1.3 Structure Unfit for Human Occupancy.

A structure is unfit for human occupancy whenever the Director finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth or contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public

The structure located at **6812 Cielo Vista, El Paso, Texas, 79925** is in violation of the requirements found in the following sections of the 2003 International Property Maintenance Code as adopted in the El Paso City Code, Chapter 18.50, Property Maintenance Code:

- a. The floors have not been maintained in a safe manner. [Sec. 305.4]
- b. The walls have not been maintained in a safe manner free of holes and cracks. [Sec. 304.6]
- c. The roof structure has not been maintained free of defects that may cause leaks. [Sec. 304.7]
- d. The means of egress is/are inadequate and do not meet minimum code requirements. [Sec. 702.4]
- e. The plumbing system is inadequate and does not meet minimum code requirements. [Sec. 504.1]
- f. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- g. The structure is open and accessible to unauthorized entry. [Sec. 301.3]
- h. The premises are full of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- i. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]
- j. The repairs to the structural elements and/or service systems referred to in the previous sections must be completed within 30 days of your receipt of this letter. If, due to the scope and complexity of the work more time is needed, you must make this request to the Building and Standards Commission at a hearing scheduled by this department.

In addition, the property was found to be in violation of the City of El Paso Municipal Code, Section 302.3, Sidewalks and Driveways, which states that "all sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall

be kept in a proper state of repair, and maintained free from hazardous conditions.”

As a result of the aforementioned violations, the following action may be taken:

- a. This case is being submitted to the City Building and Standards Commission for unsafe structures proceedings. The City Building and Standards Commission will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Chapter 2.38 of the El Paso Municipal Code.
- b. By authority of Chapter 18.02.103.9.3 of the El Paso Municipal Code the electrical service at this property may be disconnected at the request of the Building Permits and Inspections Department because of Electrical Code violations.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 541-4800.

FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:

Nellie Avalos
Building Inspector

MA/nms

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **28th** day of **October, 2009** in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the Building and Standards Commission of El Paso (the "**Commission**") will hold a public hearing on the question of whether the building located on the property at **6812 Cielo Vista Dr.**, in El Paso, Texas, which property is more particularly described as:

Legal Description: Lots 2 through 6, Block 2; Lots 1 through 10, Block 3; Lots 1 through 7, Block 4; and Lots 23 through 33, Block 5, CIELO VISTA PARK, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Volume 7 Page 22, Real Property Records, El Paso County, Texas; together with a portion of Lot 9, Block 4, CIELO VISTA PARK, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Volume 7, Page 22, Real Property Records, El Paso County, Texas, said portion being more particularly described by metes and bounds in Exhibit A-1 attached hereto and made a part hereof.

is unsafe and dangerous, because of the following violations:

- a. The floors have not been maintained in a safe manner. [Sec. 305.4]
- b. The walls have not been maintained in a safe manner free of holes and cracks. [Sec. 304.6]
- c. The roof structure has not been maintained free of defects that may cause leaks. [Sec. 304.7]
- d. The means of egress is/are inadequate and do not meet minimum code requirements. [Sec. 702.4]
- e. The plumbing system is inadequate and does not meet minimum code requirements. [Sec. 504.1]
- f. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- g. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]
- h. The structure is open and accessible to unauthorized entry. [Sec. 301.3]
- i. The premises shall be maintained in a clean, safe and sanitary condition free of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].

- j. The structures need to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of trash and debris within (30) days from receipt of this letter. [Sec. 108.2]

According to the real property records of the County of El Paso, Cielo Vista Kiwi, LLC, 6812 Cielo Vista, El Paso, Texas 79925, Cielo Vista Kiwi, LLC, 8344 E.R.L. Thornton Freeway, Suite 102, Dallas, Texas, 75228, The Bank of New York, 101 Barclay Street, 8W, New York, New York, 10286 and Municipal Mortgage & Equity, LLC, Attn: Thomas R. Hobbs, 218 North Charles Street, Suite 500, Baltimore, Maryland, 21202 (the "**Owners**") are listed as the owners of the real property described herein.

According to the real property records of El Paso County, you own or have an interest in the real property described in this notice. If you no longer own or have an interest in the property, you must execute an affidavit stating that you no longer own or have an interest in the property and stating the name and last known address of the person who acquired the property or interest from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Building Standards Enforcement Division of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice.

The Owners of said property are hereby ordered to appear before the Building and Standards Commission and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before the Commission at said date, hour, and place to show cause why said building should not be declared a nuisance and ordered to be abated. The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Title 18, as mandated by Section 18.50 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the Owners, lien holders, mortgagees, or any other person having an interest in the property must present to the Commission any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to the Commission at this hearing.

The time periods, which govern the completion of work ordered by the commission, are outlined in Chapter 2, Subsection 2.38.080 of the Municipal Code of the City of El Paso, and pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of the Commission the City may pursue one, or more of the following actions:

- l) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;

II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said building in an amount not to exceed \$1,000.00 a day for each violation, or \$10.00 a day if the Owners show that the property is the Owner's lawful homestead; and

III) appoint a receiver as permitted by state law; and

IV) any other remedies permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full;

The City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Cynthia S. Osborn
Assistant City Attorney

Bill Stern, C.B.O.
Chief Building Official
Building Permits and Inspection Department

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice regarding the property located at 6812 Cielo Vista Dr. was PUBLISHED in the official City newspaper on the ____ day of _____, 2009.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 6812 Cielo Vista Dr. was HAND-DELIVERED to:

City of El Paso
C/O City Clerk
#2 Civic Center Plaza
El Paso, TX 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 6812 Cielo Vista Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Cielo Vista Kiwi, LLC
6812 Cielo Vista
El Paso, Texas 79925

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 6812 Cielo Vista Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Cielo Vista Kiwi, LLC
8344 E. R. L. Thornton Freeway, Suite 102
Dallas, Texas, 75228

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 6812 Cielo Vista Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Municipal Mortgage & Equity, LLC
Attn: Thomas R. Hobbs
218 North Charles St, Suite 500
Baltimore, Maryland 21202

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 6812 Cielo Vista Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

The Bank of New York
101 Barclay Street, 8W
New York, NY 10286

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 6812 Cielo Vista Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Wyler Industrial Works
711 S. Saint Vrain St
El Paso, Texas 79901-3008

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 6812 Cielo Vista Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso Paint Service Inc
1819 Montana Ave.
El Paso, Texas 79902-5789

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 6812 Cielo Vista Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Southwest Industrial Works
10528 Lakewood Ave
El Paso, Texas 79925-7810

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 6812 Cielo Vista Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Green Scene, Inc
10950 Pellicano Dr #B
El Paso, Texas 79935-4615

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 6812 Cielo Vista Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Advantage Carpet Cleaning
1020 E. Yandell Drive
El Paso, Texas 79902

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 6812 Cielo Vista Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Carpet Pile
4919 Hondo Pass #C
El Paso, Texas 79924-7023

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 6812 Cielo Vista Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Carpet Pile
1141 Larry Mahan Dr #103
El Paso, Texas 79925-6517

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 6812 Cielo Vista Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe
AKA Tigua Indian Community
119 S. Old Pueblo Road
El Paso, Texas 79907

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 6812 Cielo Vista Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso Central Appraisal District
5801 Trowbridge Ave.
El Paso, Texas 79925

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 6812 Cielo Vista Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso County Probate Court
500 E. San Antonio Avenue, Suite 703
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 6812 Cielo Vista Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Delgado, Acosta, Spencer
Linebarger, Heard & Perez, LLP
Attn: Bonnie Cooper
221 N. Kansas Suite 1400
El Paso, TX 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at 6812 Cielo Vista Dr., El Paso, Texas.

Date:
Time:

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: 10/19/09

REP. DISTRICT: 2

ADDRESS: 6812 Cielo Vista Drive

ZONED: A-2

LEGAL DESCRIPTION: 3 Cielo Vista Park Replat, All of Blk

OWNER: Cielo Vista Kiwi, LLC

ADDRESS: 8344 E R L Thornton Fwy Ste 102
Dallas, Texas 75228-7186

BUILDING USE: Dilapidated open and abandoned multifamily apartments

TYPE OF CONSTRUCTION: V – Cinder block with wood framing

FOOTINGS: Concrete

CONDITION: Appears to be no damage to footings, however, due to years of water infiltration of property, an engineer must assess the actual condition of the footings.

FOUNDATION WALL: N/A

CONDITION: N/A

FLOOR STRUCTURE: Concrete slab on grade on first floor; 2nd floor wood frame w/hardwood.

CONDITION: Poor. Most if not all floor coverings must be replaced.

EXTERIOR WALLS: Stone w/mortar grout, brick veneer and stucco covering.

HEIGHT: 20' +/-

THICKNESS: 8" +/-

CONDITION: Fair. Due to lack of maintenance and exposure to the elements, some minor repairs and painting is recommended. A structural engineer should be hired to evaluate structural elements of the building and submit a report on the corrections required to make the building safe.

INTERIOR WALLS & CEILINGS: 2 x 4 Wood framing covered with sheet rock w/plaster

CONDITION: Poor. Many holes and cracks on the walls due to vandalism and lack of maintenance. There are several walls containing graffiti.

ROOF STRUCTURE: Flat roof, wood frame w/rolled composition roofing.

CONDITION: Poor. A registered roofing or building contractor must be hired to evaluate the roofing system and submit a report of required corrections to bring the roof system into compliance.

DOORS, WINDOWS, ETC.: Wood doors and aluminum frame windows

CONDITION: Poor. Most doors and windows must be replaced and new windows need to meet minimum egress code.

MEANS OF EGRESS: N/A

CONDITION: N/A

PLUMBING: Most of the plumbing must be replaced to meet code. A licensed plumber must be hired to evaluate the entire plumbing system and make all the required repairs.

ELECTRICAL: The electrical system is substandard and must be evaluated by a licensed contractor and make the required repairs to meet code.

MECHANICAL: Substandard. Hire a mechanical contractor to evaluate entire system and make the repairs, which are needed to bring the system into compliance with the code.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: None

WARNING POSTED: No

BARRICADED: NO

POLICE AID REQD.: No

REMARKS: This substandard dilapidated apartment building is open and abandoned, contains graffiti and is in a state of disrepair. The structure should be secured within thirty (30) days. The property should be cleaned within thirty (30) days.

Nellie Avalos

Building Inspector